

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 301CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Price, 3; Avery, 28; Janssen, 15; Karpisek, 32; Mello, 5.

Read first time January 21, 2010

Committee: Government, Military and Veterans Affairs

1 THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF
2 NEBRASKA, SECOND SESSION, RESOLVE THAT:

3 Section 1. At the general election in November 2010 the
4 following proposed amendment to the Constitution of Nebraska shall
5 be submitted to the electors of the State of Nebraska for approval
6 or rejection:

7 To amend Article III, sections 2, 3, and 4:

8 III-2 The first power reserved by the people is
9 the initiative whereby laws may be enacted and constitutional
10 amendments adopted by the people independently of the Legislature.
11 This power may be invoked by petition wherein the proposed measure
12 shall be set forth at length. If the petition be for the enactment
13 of a law, it shall be signed by seven percent of the registered
14 voters of the state calculated as of January 1 of the calendar year
15 in which the petition signatures are filed, and if the petition

1 be for the amendment of the Constitution, the petition therefor
2 shall be signed by ten percent of ~~such~~ the registered voters of
3 the state calculated as of January 1 of the calendar year in which
4 the petition signatures are filed. In all cases the registered
5 voters signing such petition shall be so distributed as to include
6 five percent of the registered voters of each of two-fifths of the
7 counties of the state calculated as of January 1 of the calendar
8 year in which the petition signatures are filed, and when thus
9 signed, the petition shall be filed with the Secretary of State who
10 shall submit the measure thus proposed to the electors of the state
11 at the first general election held not less than four months after
12 such petition shall have been filed.

13 The same measure, either in form or in essential
14 substance, shall not be submitted to the people by initiative
15 petition, either affirmatively or negatively, more often than once
16 in three years. If conflicting measures submitted to the people at
17 the same election be approved, the one receiving the highest number
18 of affirmative votes shall thereby become law as to all conflicting
19 provisions. The constitutional limitations as to the scope and
20 subject matter of statutes enacted by the Legislature shall apply
21 to those enacted by the initiative. Initiative measures shall
22 contain only one subject. The Legislature shall not amend, repeal,
23 modify, or impair a law enacted by the people by initiative,
24 contemporaneously with the adoption of this initiative measure or
25 at any time thereafter, except upon a vote of at least two-thirds

1 of all the members of the Legislature.

2 III-3 The second power reserved is the referendum which
3 may be invoked, by petition, against any act or part of an act of
4 the Legislature, except those making appropriations for the expense
5 of the state government or a state institution existing at the time
6 of the passage of such act. Petitions invoking the referendum shall
7 be signed by not less than five percent of the registered voters
8 of the state calculated as of January 1 of the calendar year in
9 which the petition signatures are filed, distributed as required
10 for initiative petitions, and filed in the office of the Secretary
11 of State within ninety days after the Legislature at which the
12 act sought to be referred was passed shall have adjourned sine
13 die or for more than ninety days. Each such petition shall set
14 out the title of the act against which the referendum is invoked
15 and, in addition thereto, when only a portion of the act is sought
16 to be referred, the number of the section or sections or portion
17 of sections of the act designating such portion. No more than one
18 act or portion of an act of the Legislature shall be the subject
19 of each referendum petition. When the referendum is thus invoked,
20 the Secretary of State shall refer the same to the electors for
21 approval or rejection at the first general election to be held not
22 less than thirty days after the filing of such petition.

23 When the referendum is invoked as to any act or part
24 of act, other than emergency acts or those for the immediate
25 preservation of the public peace, health, or safety, by petition

1 signed by not less than ten percent of the registered voters of the
2 state calculated as of January 1 of the calendar year in which the
3 petition signatures are filed, distributed as aforesaid, it shall
4 suspend the taking effect of such act or part of act until the same
5 has been approved by the electors of the state.

6 III-4 The whole number of votes cast for Governor at
7 the general election next preceding the filing of an initiative
8 or referendum petition shall be the basis on which the number of
9 signatures to such petition shall be computed. The veto power of
10 the Governor shall not extend to measures initiated by or referred
11 to the people.

12 A measure initiated shall become a law or part of the
13 this Constitution, as the case may be, when a majority of the votes
14 cast ~~thereon~~, on the measure, and not less than thirty-five per
15 cent ~~percent~~ percent of the total vote cast at the election at which the
16 ~~same~~ measure was submitted, are cast in favor ~~thereof~~, and of the
17 measure, and the measure shall take effect upon proclamation by the
18 Governor which shall be made within ten days after the official
19 canvass of ~~such~~ the votes. The vote upon initiative and referendum
20 measures shall be returned and canvassed in the manner prescribed
21 for the canvass of votes for president.

22 The method of submitting and adopting amendments to the
23 Constitution provided by this section shall be supplementary to the
24 method prescribed in ~~the article~~ Article XVI of this Constitution,
25 ~~entitled, "Amendments"~~ and the latter shall in no case be construed

1 to conflict ~~herewith.~~ with the provisions relating to initiative
2 and referendum. The provisions with respect to the initiative
3 and referendum shall be self-executing, but legislation may be
4 enacted to facilitate their operation. ~~All propositions submitted~~
5 ~~in pursuance hereof~~ Initiative and referendum measures shall be
6 submitted in a ~~non-partisan~~ nonpartisan manner and without any
7 indication or suggestion on the ballot that they have been approved
8 or endorsed by any political party or organization. Only the title
9 or proper descriptive words of measures shall be printed on the
10 ballot, and when two or more measures have the same title, they
11 shall be numbered consecutively in the order of filing with the
12 Secretary of State and the number shall be followed by the name of
13 the first petitioner on the corresponding petition.

14 Sec. 2. The proposed amendment shall be submitted to the
15 electors in the manner prescribed by the Constitution of Nebraska,
16 Article XVI, section 1, with the following ballot language:

17 A constitutional amendment to change the basis for
18 calculating the number of signatures needed on initiative
19 and referendum petitions.

20 For

21 Against.